

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN G. JOHNSON,

Plaintiff,

v.

PRESIDENT GEORGE W. BUSH, *et al.*,

Defendant.

Case No. C05-5751 RBL/KLS

REPORT AND RECOMMENDATION

NOTED FOR: JUNE 30, 2006

This civil rights action has been referred to the undersigned United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff was given leave to proceed *in forma pauperis*. Plaintiff commenced this action, naming twelve defendants in a complaint that was four pages long. On January 12, 2006, plaintiff filed an amended complaint, which he was ordered to amend.

DISCUSSION

Plaintiff's first amended complaint was over fifty pages long and was so convoluted that the court was unable to determine how many persons were named as defendants and what causes of action were alleged against which defendants. Plaintiff was ordered to file a second amended complaint by February 27, 2006. (Dkt. # 9). A series of mis-filings, transfers, motions without

ORDER

1 notice, filings crossing in the mail, and extensions followed. (*See, e.g.*, Dkts. # 5, 10, 11, 12, 13 and
2 18).

3 In light of plaintiff's reported transfers between facilities and to allow plaintiff sufficient time
4 to comply with this court's order to file a second amended complaint, plaintiff's original deadline was
5 extended from February 27, 2006 until June 1, 2006. Plaintiff was advised that if he did not comply
6 with the court's order to amend by that deadline, his case would be dismissed without prejudice for
7 lack of prosecution. Plaintiff has failed to amend his complaint and he has failed to request an
8 extension of his deadline to amend.

9 CONCLUSION

10 Plaintiff was ordered to amend his complaint. (Dkt. # 21). Plaintiff has not complied with the
11 court's order, nor has he sought an extension of the deadline. The court recommends the action be
12 **DISMISSED WITHOUT PREJUDICE**. A proposed order accompanies this Report and
13 Recommendation.

14 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
15 the parties shall have ten (10) days from service of this Report and Recommendation to file written
16 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
17 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time
18 limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **June 30,**
19 **2006**, as noted in the caption.

20 DATED this 12th day of June, 2006.

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24 Karen L. Strombom
25 United States Magistrate Judge
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ORDER